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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: February 7, 2005 Name: Kent E. Genin

Signature: *Kent E. Genin*

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: G. Baran

Appln. No.: 10/606,442

Filed: June 25, 2003

For: NEBULIZING CATHETER SYSTEM AND  
METHODS OF USE AND MANUFACTURE

Attorney Docket No: 6298/431

Examiner: Unknown

Art Unit: 3761

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Third Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of Reference D1
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x \$9=			x \$18=	
Indep.		Minus				x 44=			x \$88=	
First Presentation of Multiple Dep. Claim						+\$150=			+ \$300=	
						Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

2/7/2005  
Date

Respectfully submitted,

*Kent E. Genin*  
Kent E. Genin (Reg. No. 37,834)



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Date of Deposit

Kent E. Genin

Name of Applicant, Assignee or  
Registered Representative

*Kent E. Genin*

Signature

2/7/2005

Date of Signature

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## **THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

### **OTHER ART**

Japanese Unexamined Utility Model Application Publication No. 62-177738, published November 11, 1987.

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of listed reference which is required under 37 C.F.R. §1.98(a)(2). This reference is cited for its

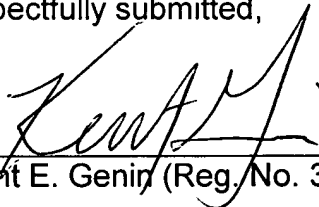
disclosure in FIGS. 1 and 5-6 of a nozzle in a spray device. A brief English language summary for this reference is also enclosed. Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

2/7/2005  
Date

Respectfully submitted,

  
Kent E. Genin (Reg. No. 37,834)



FORM PTO 1449	SERIAL NO. 10/606,442	CASE NO. 6298/431
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 25, 2003	GROUP ART UNIT 3761
(use several sheets if necessary)	APPLICANT(S): G. Baran	

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	D1	Japanese Unexamined Utility Model Application Publication No. 62-177738, published November 11, 1987.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.